

AMENDMENTS TO THE DRAWINGS

Upon entry of the present Amendment, the sheet of figures that includes Figure 10 will have been replaced by a replacement sheet. The replacement sheet for the sheet of figures that includes Figure 10 designates Figure 10 with the legend "PRIOR ART".

REMARKS

Initially, Applicant would like to thank the Examiner for indicating the allowability of claims 2, 4, 6-9, 11-14 and 24, if rewritten into independent form to include all of the limitations of base and any intervening claims. Applicant would also like to thank the Examiner for indicating the allowance of claims 15-22 and 27. Applicant would further like to thank the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. §119, as well as receipt of certified copies of all of the priority documents. Applicant would additionally like to thank the Examiner for acknowledging receipt of the Information Disclosure Statement filed on May 14, 2002, as well as for acknowledging consideration of the reference cited therein by placing his initials next to the citation to the reference on the PTO-1449 form which was submitted with the Information Disclosure Statement.

In the outstanding Official Action, Figure 10 was objected-to as lacking a legend such as "Prior Art". Claims 1, 3, 5, 10, 23 and 25-26 were rejected under 35 U.S.C. §103(a) over TSUZUKI et al. (U.S. Patent No. 6,086,267) in view of Applicant's admitted prior art. Claims 2, 4, 6-9, 11-14 and 24 were objected-to as being dependent upon a rejected base claim, but were otherwise indicated as allowable if rewritten into independent form to include all of the limitations of base and any intervening claims. Claims 15-22 and 27 were indicated as allowable.

Attached hereto, Applicant has replaced Figure 10 with a replacement sheet of drawings that designates Figure 10 as “Prior Art”. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding objection to the Figures.

Applicant traverses the rejection of claims 1, 3, 5, 10, 23 and 25-26, as well as the objection to claims 2, 4, 6-9, 11-14 and 24. In this regard, the outstanding Official Action asserts that it would be obvious to modify the teachings of TSUZUKI et al. (U.S. Patent No. 6,086,267) with the teachings of Applicant’s admitted prior art. In particular, the outstanding Official Action asserts that it would be obvious to place “a diaphragm in a lens barrel as disclosed in Applicant’s conceded prior art in the video camera including a quantity-of-light adjusting device as disclosed by Tsuzuki” (emphasis added). Applicant respectfully submits that this assertion is in error.

In particular, TSUZUKI does not anywhere address whether a lens barrel is provided to the “video camera, digital still camera or the like” disclosed therein (see col. 1, lines 12-14), let alone that a filter is provided in such a lens barrel. Further, Applicant’s admitted prior art does not disclose providing a filter in a lens barrel. Rather, as shown in FIGs. 9A and 9B of Applicant’s specification (i.e., in Applicant’s admitted prior art), a filter 22’ is provided in a camera body 10’ and not the lens barrel 18’.

The outstanding Official Action asserts that one of ordinary skill in the art would be motivated to modify TSUZUKI with the teachings of Applicant’s admitted prior art to

“provide a means for allowing light to travel through a lens barrel, enter a camera body and to be incident on a CCD”. Applicant initially submits that this motivation is not a motivation taught in the prior art; rather, this motivation is only the impermissible hindsight motivation of the Examiner necessary to arrive at Applicant’s claimed invention. In this regard, there is no explanation as to why one would need to provide a lens barrel to TSUZUKI in the first place, such that one would even need to allow light to travel through such a lens barrel.

Further, there is no motivation to provide a filter in a lens barrel, even if a lens barrel were provided to TSUZUKI. In this regard, the filter ‘22 in Applicant’s admitted prior art is placed in the camera body, and there is no teaching in the prior art that would suggest moving a filter from the camera body to the lens barrel.

Accordingly, Applicant respectfully submits that there is no motivation to modify TSUZUKI with the teachings of Applicant’s admitted prior art. Further, as explained above, even if TSUZUKI were modified with the teachings of Applicant’s admitted prior art, the combination would not result in “said optical filter” being “provided in said lens barrel”, as recited in claim 1. Accordingly, Applicant respectfully submits that the above-noted features recited in claim 1 are not disclosed, suggested or rendered obvious by even the combination of TSUZUKI and Applicant’s admitted prior art, contrary to the assertions of the outstanding Official Action.

Upon entry of the present amendment, Applicant will also have added claim 28 for consideration by the Examiner. In this regard, claim 28 recites features similar to the above-noted features recited in claim 1. Claim 28 also recites, *inter alia*, “wherein said diaphragm is provided on a first side of said base plate and said optical filter is provided on a second side of said base plate which is opposite to said first side of said base plate; wherein said diaphragm is driven by said diaphragm driver independently of the moving of said optical filter by said filter driver” (emphasis added). Applicant respectfully submits that the above-noted features are also not disclosed, suggested or rendered obvious, in the claimed combination, for at least the reasons stated in the Description of the Related Art section of Applicant’s specification.

Applicant additionally notes that several of the claims have been amended to eliminate minor informalities. Applicant respectfully submits that none of the amendments to the claims adds any new matter. In this regard, Applicant particularly notes that an exemplary embodiment in the specification at pages 18 and 19 discloses support for the features recited in claim 28 that are not recited in claim 1. Further, the amendments to claims merely eliminate minor informalities.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to Figure 10, as well as withdrawal of the rejection of claims 1, 3, 5, 10, 23 and 25-26 under 35 U.S.C. §103(a). Applicant further submits that claims 2, 4, 6-9, 11-14

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and 24 are allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for reasons related to their own recitations. Accordingly, Applicant respectfully requests withdrawal of the outstanding objections and rejections, and an indication of the allowability of each of the claims now pending.

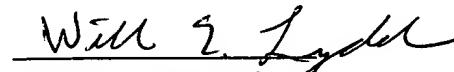
SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance, and believes that he has now done so. Applicant has amended the claims to more clearly recite the features of the claimed invention. Applicant has also added a new claim to further define the features of the claimed invention. Applicant has further discussed the features recited in Applicant's claims and has shown how these features are not taught, disclosed nor rendered obvious by the references cited in the Official Action.

Any amendments to the claims which have been added in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Takaaki HASHIMOTO


Bruce H. Bernstein
Reg. No. 29,027


William E. Lyddane
Reg. No. 41,568

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191